

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gregory Joss	Team: Team # 3	CCRB Case #: 201107230	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 06/02/2011 9:00 PM	Location of Incident: § 87(2)(b) and 167th Street; the 44th Precinct stationhouse	Precinct: 44	18 Mo. SOL 12/2/2012	EO SOL 12/2/2012	
Date/Time CV Reported Mon, 06/06/2011 11:03 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/06/2011 11:03 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)		
§ 87(2)(b)		
§ 87(2)(b)		
§ 87(2)(b)		

Witness(es)	Home Address
§ 87(2)(b)	
§ 87(2)(b)	

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. POF Maria Brito	01024	948694	PBBX
4. POM Steven Ramunno	11784	930874	044 PCT
5. POM Tony Ip	01891	949749	PBBX
6. POM Tyrell Warburton	00897	949782	PBBX
7. INS Dermot Shea	00000	899846	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Maritza Garay	01367	928347	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Ramunno	Force: Officer Steven Ramunno used physical force against § 87(2)(b) at § 87(2)(b)	§ 87(2)(b)
B.INS Dermot Shea	Force: Inspector Dermot Shea used physical force against § 87(2)(b) at § 87(2)(b)	§ 87(2)(b)
C.POM Tyrell Warburton	Force: Officer Tyrell Warburton used physical force against § 87(2)(b) at § 87(2)(b)	§ 87(2)(b)
D.POF Maria Brito	Discourtesy: Officer Maria Brito spoke rudely to § 87(2)(b) and § 87(2)(b) at § 87(2)(b)	§ 87(2)(b)
E. Officers	Abuse: Officers drew their guns at § 87(2)(b)	§ 87(2)(b)
F. An officer	Force: An officer used physical force against § 87(2)(b) at § 87(2)(b)	§ 87(2)(b)
G. Officers	Force: Officers used physical force against § 87(2)(b) and § 87(2)(b) at the 44th Precinct stationhouse.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H. An officer	Discourtesy: An officer spoke rudely to § 87(2)(b) at § 87(2)(b)	
I. An officer	Force: An officer tightly handcuffed § 87(2)(b) at the 44th Precinct stationhouse.	
J. An officer	Abuse: An officer damaged § 87(2)(b)'s property at the 44th Precinct stationhouse.	
§ 87(4-b) § 87(2)(g)		

Case Summary

On June 6, 2011, § 87(2)(b) filed this complaint via telephone with the Civilian Complaint Review Board (Encl. 6A-6C). On June 24, 2011, § 87(2)(b) also filed this complaint via telephone with the CCRB. § 87(2)(g)

On June 2, 2011 at approximately 9:00 p.m. in the vicinity of § 87(2)(b) in the Bronx, § 87(2)(b) and § 87(2)(b) were arrested by Officer Maria Brito of the 44th Precinct. A 10-85 (need additional units) was called in the process. The following allegations resulted from the officers' actions:

- **Allegation A: Force – Officer Steven Ramunno used physical force against** § 87(2)(b) **at** § 87(2)(b)
- **Allegation B: Force – Inspector Dermot Shea used physical force against** § 87(2)(b) **at** § 87(2)(b)
- **Allegation C: Force – Officer Tyrell Warburton used physical force against** § 87(2)(b) **at** § 87(2)(b) § 87(2)(g)
- **Allegation D: Discourtesy – Officer Maria Brito spoke rudely to** § 87(2)(b) **and** § 87(2)(b) **at** § 87(2)(b) § 87(2)(g)
- **Allegation E: Force – Officers drew their guns at** § 87(2)(b) § 87(2)(g)
- **Allegation F: Force – An officer used physical force against** § 87(2)(b) **at** § 87(2)(b) § 87(2)(g)
- **Allegation G: Force – Officers used physical force against** § 87(2)(b) **and** § 87(2)(b) **at the 44th Precinct stationhouse.** § 87(2)(g)
- **Allegation H: Discourtesy – An officer spoke rudely to** § 87(2)(b) **at** § 87(2)(b)
- **Allegation I: Force – An officer tightened** § 87(2)(b) **s handcuffs at the 44th Precinct stationhouse.**
- **Allegation J: Abuse of Authority – An officer damaged** § 87(2)(b) **s property at the 44th Precinct stationhouse.** § 87(2)(g)

• § 87(4-b) § 87(2)(g)

Results of Investigation

Civilian Statements

Officer Identification

§ 87(2)(g)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of this incident. He is a Hispanic male with black hair and brown eyes. He is 5'8" tall and weighs 200 pounds.
- § 87(2)(b)

Arrest Photo

§ 87(2)(b)'s arrest photo from the incident does not show any cuts or lacerations to his face. It appears as though there might be some swelling to his right cheek area just below the eye socket, but the photo is inconclusive (Encl. 9A).

Statements to Medical Personnel

On § 87(2)(b) § 87(2)(b) was treated at § 87(2)(b). His chief complaint was that he was assaulted by the NYPD. He also complained of numbness and decreased sensation in his thumbs, limited range of motion with his left shoulder, and bruises to right and left cheek. On § 87(2)(b), § 87(2)(b) sought follow up treatment at § 87(2)(b). He informed medical personnel that he had been arrested, handcuffed tightly, punched in the face, and slammed to the floor (Encl. 36A-36AG).

CCRB Statement

On June 9, 2011 § 87(2)(b) provided the CCRB with a phone statement (Encl. 7A) and on June 27, 2011, § 87(2)(b) was interviewed at the CCRB (Encl. 8A-8I). § 87(2)(g) § 87(2)(b)

also provided additional testimony during a photo viewing on July 2, 2012 (Encl. 10A-10G).

On June 2, 2011 at approximately 9:00 p.m., § 87(2)(b) and his girlfriend, § 87(2)(b) were sitting in § 87(2)(b)'s vehicle outside of § 87(2)(b)'s apartment building at § 87(2)(b) in the Bronx. § 87(2)(b)'s vehicle is a grey 2000 Nissan Extera with tinted rear windows. § 87(2)(b) and § 87(2)(b) had been sitting in the car talking for only a few seconds when a marked police van with three uniformed officers pulled alongside the passenger side of the vehicle. § 87(2)(b)'s vehicle was double parked and the police officer driving the van, identified by the CCRB through investigation as PO Steven Ramunno of the 44th Precinct, motioned for them to move along. § 87(2)(b) gave the officer the peace sign with his hand as if to say, "Okay."

PO Ramunno motioned for § 87(2)(b) to roll down the window and asked her if she was okay. § 87(2)(b) said that she was fine and § 87(2)(b) asked if they could leave. PO Ramunno told § 87(2)(b) not to wave him off because he was speaking to § 87(2)(b).

§ 87(2)(b) asked again if he could go, opened the door, and began to exit his vehicle. PO Ramunno told him to stay in the car.

PO Ramunno exited the police van and closed § 87(2)(b)'s door. Another officer, identified by the CCRB through investigation as PO Maria Brito of Patrol Borough Bronx, exited the police van and came around to the driver's side of the vehicle to speak with § 87(2)(b). A third officer, identified by the CCRB through investigation as Sgt. Maritza Garay of Patrol Borough Bronx, exited the police van and went to the front of the vehicle to write down the license plate number.

§ 87(2)(b) told § 87(2)(b) that the officers were doing this for no reason and that they had not done anything wrong. PO Brito asked § 87(2)(b) if she wanted to leave and she said, "No." § 87(2)(b) however insisted that § 87(2)(b) leave and then exited the vehicle and went into the back seat to retrieve his book-bag. PO Ramunno was still standing next to the vehicle approximately two feet from the front door, but did not say anything to § 87(2)(b). After retrieving his book-bag, § 87(2)(b) walked back to the front passenger seat and told § 87(2)(b) to start the car and leave. § 87(2)(b) and § 87(2)(b) continued to go back and forth about her leaving, until § 87(2)(b) reached across the passenger seat and started the car himself.

PO Ramunno grabbed § 87(2)(b) who was kneeling across the passenger seat, by his left bicep and pulled him out of the vehicle. PO Ramunno did not say anything to § 87(2)(b) and § 87(2)(b) did not resist or struggle. § 87(2)(b) looked to his left and was punched on his left cheek by a uniformed officer, identified by the CCRB through investigation as Ins. Dermot Shea of the 44th Precinct. Ins. Shea was described as a white male, approximately 6'2" tall, heavy set, and with white hair. § 87(2)(b) was then punched on his right cheek by a uniformed male officer, identified by the CCRB through investigation as PO Tyrell Warburton of Patrol Borough Bronx.

§ 87(2)(b) was then brought to the ground, on his back, by the officers. § 87(2)(b) stated that he was not struggling or resisting and was told to roll over onto his stomach. § 87(2)(b) was then handcuffed by an officer. § 87(2)(b) witnessed PO Ramunno "fall down," but could not specify how this happened. § 87(2)(b) speculated that one of the officers tried to pepper-spray him, but hit PO Ramunno accidentally.

§ 87(2)(b) was placed in a police van with another individual, "§ 87(2)(b) that lives in his building, who had also been arrested. § 87(2)(b) identified by the CCRB as § 87(2)(b) had come from the grocery store across the street and the officers "just grabbed him."

§ 87(2)(b)'s cousin, § 87(2)(b) had been on the block at the beginning of the incident and had gone inside § 87(2)(b) to get § 87(2)(b). § 87(2)(b) then returned to the scene and was telling § 87(2)(b) to relax and be calm. § 87(2)(b) was standing next to and speaking with PO Ramunno. § 87(2)(b) stated that the conversation between PO Ramunno and § 87(2)(b) was cordial and that § 87(2)(b) did not raise his voice. PO Ramunno did not give § 87(2)(b) any commands or ask him to step back. Nevertheless, § 87(2)(b) was ultimately arrested for § 87(2)(b).

Inside the police van, PO Brito told § 87(2)(b) that he hit one of the officers. § 87(2)(b) told PO Brito that he did not hit any officers and accused them of hitting him. PO Brito responded by saying, "Shut the fuck up."

At the 44th Precinct stationhouse, an unidentified uniformed officer, took § 87(2)(b) out of the transport van, tightened his handcuffs, and put him in a holding cell. This officer was described as a Hispanic male, approximately 5'10" tall, with black hair, but bald on top, and in his thirties.

Inside the holding cell, this officer took § 87(2)(b)'s wallet and cell phone out of his pockets and "tossed" them against the wall. The screen of § 87(2)(b)'s cell phone shattered

as a result (Encl. 8H). § 87(2)(b) stated that he did not realize his phone was broken until he got home.

§ 87(2)(b) was released from the stationhouse at § 87(2)(b). § 87(2)(b) went to § 87(2)(b) in the Bronx at approximately § 87(2)(b) for injuries to his wrist, numbness in his hands, and his swollen face.

Notice of Claim

On § 87(2)(b), § 87(2)(b) filed a Notice of Claim against The City of New York, The New York City Police Department, Police Officer Maria Brito, Unknown Officers, and An Unknown Sergeant at the scene. The time when, the place where, and the manner in which the claim arose are consistent with § 87(2)(b)'s CCRB statement. However, the notice of claim alleges that § 87(2)(b) was beaten with night sticks and slammed against a wall, but § 87(2)(b) made no such allegations in his CCRB statement. The items of damage or injuries claimed are assault, battery, false arrest and imprisonment, emotional distress, physical pain/injury, illegal search and seizure, violation of civil rights, negligent hiring and supervision of officers, legal fees and expenses, loss of liberty, and loss of dignity and reputation (Encl. 46A-46I).

50-h Hearing Testimony

On § 87(2)(b), § 87(2)(b) provided 50-h hearing testimony with regard to this incident. The CCRB contacted § 87(2)(b)'s attorney, § 87(2)(b) via telephone and requested a copy of § 87(2)(b)'s 50-h hearing testimony. However, § 87(2)(b) refused to provide the testimony to the CCRB.

Photo Viewing

On July 2, 2012, § 87(2)(b) appeared at the CCRB to view photos of potential subject officers in this case (Encl. 10A-10G). The following is a summary of the photo viewing.

§ 87(2)(b) positively identified PO Brito as his arresting officer. § 87(2)(b) stated that PO Brito placed him in handcuffs while other officers punched him in the face. PO Brito was in the van that transported § 87(2)(b) to the stationhouse. When PO Brito removed § 87(2)(b) from the van, she punched him in his rib cage. § 87(2)(b) speculated that PO Brito did this because she accused him of hitting another officer at § 87(2)(b). Following this, § 87(2)(b) did not have any further interactions with PO Brito.

§ 87(2)(b) positively identified PO Ramunno as the driver of the police van that initially stopped him. While the officers at the location were detaining § 87(2)(b) he had his hands behind his back, but was not yet handcuffed. § 87(2)(b) was struck twice in the face, by two different officers. Following those two blows, PO Ramunno took § 87(2)(b) to the ground and fell with him. PO Ramunno took no further action at the location. PO Ramunno was the officer that the other officers accused § 87(2)(b) of striking.

§ 87(2)(b) did not recognize Sgt. Garay, Ins. Shea, PO Warburton, or PO Ip.

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of this incident. He is a black male with a shaved head and brown eyes. He is 6'3" tall and weighs 210 pounds.
- § 87(2)(b)

CCRB Statement

On July 7, 2011, § 87(2)(b) was interviewed at the CCRB (Encl. 11A-11H). His testimony is summarized below.

On June 2, 2011, at approximately 8:30 p.m. § 87(2)(b) left his apartment building, located at § 87(2)(b) in the Bronx. It was nearly dark outside. § 87(2)(b) crossed the street at a crosswalk at the corner of § 87(2)(b) § 87(2)(b) in order to go to a deli across the street and purchase lottery tickets.

While he crossed § 87(2)(b) § 87(2)(b) observed a marked van from the 44th Precinct that was parked next to a double-parked silver or grey Toyota SUV. The marked van was parked on the passenger-side of the double-parked Toyota. There were three uniformed officers, PO Brito, PO Ramunno, and Sgt. Garay, standing outside of the van and speaking to the occupants, identified by the CCRB as § 87(2)(b) and § 87(2)(b) still seated in the SUV.

As § 87(2)(b) walked past the location, he did not engage with § 87(2)(b) § 87(2)(b) or the officers, nor did they try to engage with him. When § 87(2)(b) exited the store, approximately 10 minutes later, he observed a crowd of approximately 20 to 50 civilians as well as a large number of uniformed and plainclothes officers in front of the store. He observed PO Brito with her asp extended and waving it in the air. There were no individuals in PO Brito's immediate vicinity when she waved the asp and she did not swing it at any individuals. § 87(2)(b) § 87(2)(b) did not observe PO Brito hit any individuals with the asp.

Near the parked Toyota SUV and the marked van, § 87(2)(b) observed that § 87(2)(b) § 87(2)(b) was "tussling" with officers. § 87(2)(b) clarified that there was a physical struggle as an unidentified officer attempted to place § 87(2)(b) in handcuffs. § 87(2)(b) could not identify or provide a description of the officer who handcuffed § 87(2)(b) § 87(2)(b) could not provide any additional details regarding § 87(2)(b)'s interaction with the officers. Approximately three seconds after he left the store, another unidentified uniformed officer pushed § 87(2)(b) into the street from behind and placed him in handcuffs.

§ 87(2)(b) described the officer who pushed him as a Hispanic male, with caramel skin complexion and a very short haircut, approximately as tall as § 87(2)(b) jaw-line, therefore approximately 5'3" tall, with an average build, and in his mid-thirties. § 87(2)(b) did not resist the application of the handcuffs. § 87(2)(b) turned his head and asked this officer, "I just walked out the store, what are you doing? I just came out the store." The officer responded, "Shut the fuck up." § 87(2)(b) did not strike any police officers, did not witness any individuals strike any officers, and did not hear about any individuals striking any officers.

§ 87(2)(b) was put inside a police van with § 87(2)(b) PO Brito, the officer who handcuffed him, and an additional unidentified officer, who sat in the front passenger seat of the van and who § 87(2)(b) described as a Hispanic male in uniform with caramel skin complexion and short hair similar to the officer who handcuffed him. PO Brito, who was driving the van, told § 87(2)(b) "You want to hit cops? Shut the fuck up." There were no other individuals in the van when they were transported to the 44th Precinct stationhouse.

At the 44th Precinct stationhouse § 87(2)(b) and § 87(2)(b) were lined up in front of the desk. § 87(2)(b) complained about the tightness of his right handcuff, stating that the handcuff was cutting into his skin. § 87(2)(b) complained about the handcuff several times until an officer loosened the handcuffs for him. § 87(2)(b) was transported from the stationhouse to Central Booking. § 87(2)(b) and § 87(2)(b) who had also been arrested at the location, were released from Central Booking by corrections officers at approximately § 87(2)(b). § 87(2)(b) provided an Affidavit in Support of Declining Prosecution at the time of his sworn statement at the CCRB.

§ 87(2)(b) stated that the tightness of the handcuffs aggravated a previous wrist injury he had. Following this incident, § 87(2)(b) sought medical attention at a local clinic he

identified as § 87(2)(b). The center then referred him to an orthopedic specialist. § 87(2)(b) did not have any contact information for § 87(2)(b) or the orthopedic surgeon.

Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of this incident. She is a black female with brown eyes and brown hair. She is 5'1" tall and weighs 236 pounds.

CCRB Statement

On September 9, 2011, § 87(2)(b) provided the CCRB with a telephone statement (Encl. 15A) and on September 14, 2011, § 87(2)(b) was interviewed at the CCRB (Encl. 16A-16G).

§ 87(2)(g)

On June 2, 2011 at approximately 9:25 p.m., § 87(2)(b)'s oldest son, § 87(2)(b) came into their apartment at § 87(2)(b) in the Bronx and informed her that her younger son, § 87(2)(b) was stopped outside by the police. § 87(2)(b) went outside and saw that § 87(2)(b) was standing "trapped" by police officers in the front passenger side doorway of § 87(2)(b)'s car. § 87(2)(b) never observed § 87(2)(b)'s upper body in the vehicle and she did not hear the officers give him any commands. § 87(2)(b) was not handcuffed at this point.

§ 87(2)(b) approached two uniformed officers, PO Brito and PO Ramunno, who were standing near § 87(2)(b) and stated, "That's my son."

PO Brito told § 87(2)(b) to back up. § 87(2)(b) inquired as to why she could not ask about her son. § 87(2)(b) heard § 87(2)(b) screaming and turned her attention toward him in order to calm him down. § 87(2)(b) was screaming, "That's not fair, he'd never do nothing, he barely be outside." § 87(2)(b) was approximately 12 feet from the officers when he was shouting. He was not using any profanity and did not make any physical contact with the officers.

§ 87(2)(b) turned her attention back to § 87(2)(b) and walked towards him. She was about 3 to 6 feet away from him when PO Brito, holding her as at her side, told § 87(2)(b) to "back the fuck up." § 87(2)(b) put her arms in the air to let the officer know she was not a threat and retreated to her stoop.

§ 87(2)(b) stated that "everything happened so fast" and there were suddenly numerous police officers and police vehicles at the location. Approximately five to six uniformed officers, including PO Brito and PO Ramunno, had § 87(2)(b) face down in the street and were trying to handcuff him. § 87(2)(b) was asking, "Why are you arresting me, what did I do wrong?" § 87(2)(b) did not see how § 87(2)(b) was brought to the ground. § 87(2)(b) had "locked" his arms at his side and was refusing to allow the officers to handcuff him and kept asking, "Why are you arresting me?" § 87(2)(b) did not hear the officers giving § 87(2)(b) any commands. § 87(2)(b) did not see § 87(2)(b) strike any officers.

Approximately four uniformed officers had their guns drawn and an additional unidentified officer displayed pepper-spray. However, § 87(2)(b) did not actually witness pepper-spray get discharged. § 87(2)(b) described one of the plainclothes officers as a white male, approximately 6'6" tall. § 87(2)(b) was not able to provide any identifying information or any descriptions for any other officers at the location.

§ 87(2)(b) remained on her stoop and had a difficult time seeing § 87(2)(b) because he was on the other side of § 87(2)(b)'s car. § 87(2)(b) remained in the car during the entire incident.

§ 87(2)(b) was arrested as a result of this incident as well as two other individuals, § 87(2)(b) and § 87(2)(b) both identified by the CCRB through investigation. § 87(2)(b) stated that the police "snatched" § 87(2)(b) and § 87(2)(b)

for “no reason,” but did not actually witness the circumstances under which they were placed in handcuffs.

§ 87(2)(b) went to the 44th Precinct stationhouse with § 87(2)(b) at approximately 10:15 p.m. § 87(2)(b) informed an unidentified uniformed officer, that they were there to find out the status of § 87(2)(b)'s arrest. This officer was described as a female with red hair, approximately 5'5" to 5'8" tall, small build, wore glasses, and approximately thirty years old. She was not present at § 87(2)(b). She told them to hold on a minute, left, and then returned. She then told them that § 87(2)(b) was being charged with § 87(2)(b) because he punched an officer who subsequently went to the hospital. The officer told § 87(2)(b) to leave the precinct because another female officer said she was a “menace.”

Outside of the stationhouse, § 87(2)(b) overheard chatter amongst the officers that indicated that PO Ramunno was pepper-sprayed by a fellow officer and had to be taken to the hospital.

Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of this incident. He is a black male with blue eyes and black hair. He is 5'10" tall and weighs 170 pounds.

Arrest Photo

§ 87(2)(b)'s arrest photo from the incident does not show any cuts, lacerations, or bruises to his face. (Encl. 18A).

CCRB Statement

On October 25, 2011, § 87(2)(b) was interviewed at the CCRB (Encl. 17A-17G). § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

On June 2, 2011 at approximately 9:00 p.m., § 87(2)(b) was coming from § 87(2)(b) and was alone. While, standing outside of a bodega across the street from § 87(2)(b) § 87(2)(b) witnessed § 87(2)(b) standing outside the passenger side of his girlfriend's, § 87(2)(b) car, which was double parked. The passenger side door was closed and § 87(2)(b) was still seated in the driver's seat.

PO Brito and Sgt. Garay were outside of their marked police van and, while PO Ramunno remained seated in the van. § 87(2)(b) recognized PO Ramunno as “Paulie” and indicated that he had arrested him in the past. PO Brito was talking with § 87(2)(b) but § 87(2)(b) could not hear the conversation. No one was yelling and there was no physical contact being made between § 87(2)(b) and the officers. Sgt. Garay was speaking to § 87(2)(b) but § 87(2)(b) could not hear the substance of this conversation either.

After observing § 87(2)(b) and the officers for approximately two minutes, § 87(2)(b) walked across the street and went inside to get his mother, § 87(2)(b) § 87(2)(b) did not say anything to § 87(2)(b) or the officers as he walked past them and no one said anything to him.

§ 87(2)(b) was only inside for about two minutes, and when he came back outside with § 87(2)(b) the officers were “tussling” with § 87(2)(b). At this point there were approximately 20 police vehicles, some marked and some unmarked, at the location. § 87(2)(b) stated, “The whole precinct was there.” PO Ramunno was trying to handcuff § 87(2)(b) and PO Brito attempted to pepper-spray him. § 87(2)(b) was moving his arms away from the

officers and not letting them handcuff him, but he did not hit or try to hit any officer. PO Brito missed § 87(2)(b) with the pepper-spray, but the spray made contact with PO Ramunno, causing him to fall to the ground.

§ 87(2)(b) started “flipping out.” § 87(2)(b) was yelling, “You’re not going to lock him up for no reason.” § 87(2)(b) walked right up to PO Ramunno, face to face, and asked him why they were locking up his younger brother. PO Ramunno said, § 87(2)(b) go ahead, don’t worry about it.” § 87(2)(b) then retreated back to the bodega. Upon further questioning, § 87(2)(b) stated that he did not make any physical contact with any of the officers and did not use any profanity. He also stated that a crowd had not gathered and § 87(2)(b) did not encourage any civilians to gather.

Four male plainclothes officers, three white and one black, then approached § 87(2)(b) and two other individuals, § 87(2)(b) and § 87(2)(b) identified by the CCRB through investigation as § 87(2)(b) and § 87(2)(b) by the bodega and just started “snatching them up for no reason.” The officers started “tossing” § 87(2)(b) around and he in return started “tossing” the officers around. § 87(2)(b) clarified that the officers were trying to handcuff him, but he kept struggling and moving his arms away from them. An unidentified plainclothes officer punched § 87(2)(b) once in the head behind his right ear. § 87(2)(b) described this officer as a white male, approximately 6’0” tall, muscular build, with blond hair. § 87(2)(b) did not throw any punches or hit any of the officers. § 87(2)(b) and § 87(2)(b) did not fight with the officers and did not approach the officers or § 87(2)(b).

§ 87(2)(b) was transported alone in a marked police van by a single uniformed officer, who § 87(2)(b) thought was a rookie because he had never seen him in the 44th Precinct before. At the precinct stationhouse, § 87(2)(b) and § 87(2)(b) were taken to the back by the holding cells by the four plainclothes officers that approached him earlier at the bodega. One of the officers said something to the effect of, “So you want to beat on our officers?” The officers then proceeded to push and slam § 87(2)(b) and § 87(2)(b) into the walls.

§ 87(2)(b) did not witness § 87(2)(b) or § 87(2)(b) interact with any officers while at the precinct stationhouse.

§ 87(2)(b) went to § 87(2)(b) on § 87(2)(b) and got examined by a doctor in the emergency room. § 87(2)(b) did not have any injuries and did not need any follow up treatment.

On April 17, 2012, contact was established with § 87(2)(b) via telephone. He stated he would not be able to recognize any of the officers that allegedly used physical force against him on the date of the incident if he were shown their photographs.

Witness: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of this incident. She is a Hispanic female with brown hair and brown eyes. She is 5’3” tall and weighs 145 pounds.

CCRB Statement

On August 9, 2011, § 87(2)(b) provided the CCRB with a telephone statement (Encl. 13A-13B) and on August 23, 2011, § 87(2)(b) was interviewed at the CCRB (Encl. 14A-14H). § 87(2)(g)

At the time and place of incident, § 87(2)(b) and § 87(2)(b) were having a cordial conversation in § 87(2)(b)s car when they were approached by the officers. § 87(2)(b) insisted that § 87(2)(b) leave the incident location, but she wanted to stay because the situation “didn’t look right.” Sgt. Garay asked § 87(2)(b) if she wanted to go home and she said no. § 87(2)(b) told the officers, “If you have something to ask, to just go ahead and ask.”

When § 87(2)(b) looked back in § 87(2)(b)'s direction, PO Ramunno had grabbed him and pushed him from behind into the front passenger seat and got on top of him. PO Ramunno had § 87(2)(b)'s arms held behind him as he was leaning inside of the passenger side of the vehicle. PO Ramunno was on top of § 87(2)(b) so much so that § 87(2)(b) could have reached over and touched his head. § 87(2)(b) was not resisting and the officer had "overpowered" him.

§ 87(2)(b) stated that she got hysterical and began asking Sgt. Garay, "What are you guys doing?" and "Why are you doing this?" § 87(2)(b) turned her head to look back at § 87(2)(b) and saw PO Ramunno punch him with his right hand on the right side of § 87(2)(b)'s face. § 87(2)(b) continued to ask, "What is going on" and "why are you punching him?" Sgt. Garay instructed her to stay in the car or she would be arrested. § 87(2)(b) complied and did not exit her vehicle. Sgt. Garay told her to put her hands on the wheel and then she and PO Brito left her side of the vehicle.

Then, "everything happened so fast." A marked police sedan pulled in front of § 87(2)(b)'s vehicle and two marked police sedans pulled up behind her. At this point, PO Ramunno and three unidentified male uniformed officers had § 87(2)(b) on the ground. § 87(2)(b) did not see how the officers got him to the ground. § 87(2)(b) stated that § 87(2)(b) was not doing anything with his body or moving around at all. § 87(2)(b) was not resisting or saying anything.

Approximately twenty individuals had begun to gather outside of § 87(2)(b)'s building and everything was very "hectic" and there was a lot of yelling. § 87(2)(b)'s mother, § 87(2)(b) had come out of the building at some point and asked § 87(2)(b) what was happening with her son. § 87(2)(b) tried to explain it to her from the vehicle because she was not allowed out of the car.

§ 87(2)(b) saw one of the officers discharge pepper-spray, but he never hit § 87(2)(b) with the spray. § 87(2)(b) did not see any of the officers fall to the ground or get pushed to the ground.

§ 87(2)(b) was then placed inside a police van. After § 87(2)(b) parked her car, she discovered that an officer had thrown a summons for double-parking into her car. § 87(2)(b) and § 87(2)(b) then went to the precinct to inquire about § 87(2)(b). While at the stationhouse, § 87(2)(b) was not able to get any information about her son because the officers ignored them and would not speak with them. § 87(2)(b) did not see any officers interact with § 87(2)(b) at the precinct.

Attempts to Contact Civilians

Between September 9, 2011, and November 21, 2011, the CCRB attempted to contact § 87(2)(b) five times via telephone and left a message each time. On August 30, 2011 and September 28, 2011, please call letters were sent to § 87(2)(b) and were not returned to the CCRB by the United States Postal Service. As of this date, § 87(2)(b) has not contacted the CCRB with regard to this incident.

Fieldwork

On August 25, 2011, field work was conducted at § 87(2)(b) in the Bronx with the assistance of CCRB Investigator Evelis Otero.

The undersigned investigator spoke with § 87(2)(b), who is the cousin of the owner of § 87(2)(b) in the Bronx. § 87(2)(b) provided the CCRB with video footage of the incident on his cell phone, which he recorded from the surveillance camera screen.

§ 87(2)(b) was not working at the time of the incident and stated that the individuals who were working at the time were no longer employed by the store.

With the assistance of Investigator Otero translating from Spanish, the undersigned investigator questioned three individuals who reside at § 87(2)(b). One male individual, who refused to provide his name, knew about the incident, but stated that he did not witness it. He explained that he was told by another individual, whose name he also refused, that one of the civilians hit a police officer during the incident. He was shown photos of § 87(2)(b) and § 87(2)(b) but stated that he did not recognize them.

Photos were taken of the incident location (Encl. 5A-5E).

NYPD Statements:

Subject Officer: OFFICER MARIA BRITO

- *PO Brito is a § 87(2)(b)-old Hispanic female with black hair and black eyes. She is 5'2" tall and weighs 160 pounds.*
- *On June 2, 2011, PO Brito worked from 2:00 p.m. to 10:35 p.m. She was dressed in uniform and assigned to training # 3 with PO Steven Ramunno in a marked police van.*

Memo Book

At 8:55 p.m., pick up of a dispute at § 87(2)(b) and § 87(2)(b). At 9:05 p.m., 4 under at § 87(2)(b) and § 87(2)(b) for § 87(2)(b). Note: Injured partner, PO Ramunno taken to § 87(2)(b), injuries regarding this job. The rest of PO Brito's memo book has entries pertaining to the property vouchers and arrest processing of § 87(2)(b) and § 87(2)(b) (Encl. 19A-19H).

Summons

Summons number § 87(2)(b) issued on June 2, 2011 by PO Brito indicates that § 87(2)(b) received a summons for double parking in front of § 87(2)(b) at 8:56 p.m. (Encl. 20A).

Criminal Complaint Report and Online Booking Sheet (OLBS)

The criminal complaint report for § 87(2)(b) and § 87(2)(b) prepared by PO Brito for this incident, classified as § 87(2)(b).
§ 87(2)(b)
§ 87(2)(b)

The Online Booking Sheets prepared for § 87(2)(b) and § 87(2)(b) for this incident indicate that they were arrested for § 87(2)(b). PO Brito is listed as the arresting officer and Sgt. Garay verified the arrest.

The OLBS for § 87(2)(b) and § 87(2)(b) were not available because their arrests were sealed (Encl. 21A-21B & 22A-22F).

Decline to Prosecute Form

§ 87(2)(a) 160.50, § 87(2)(g), § 87(2)(b)

Line of Duty Witness Statement

The line of duty witness statement prepared by PO Brito indicates that while attempting to make a lawful arrest, PO Ramunno sustained an injury to his neck (Encl. 23A)

CCRB Statement

On December 6, 2011, PO Brito was interviewed at the CCRB (Encl. 24A-24D). Her testimony is summarized below.

On June 2, 2011 at approximately 9:00 p.m., PO Brito and PO Ramunno, who was driving at the time, observed a car, doubled parked, on the corner of § 87(2)(b) and § 87(2)(b) in the Bronx. Sgt. Garay was also in the van. The officers parked next to the car and PO Ramunno tried to get the driver, § 87(2)(b), attention. After approximately one minute, § 87(2)(b) rolled down the window and PO Ramunno instructed her to move her vehicle. PO Brito stated that § 87(2)(b) and the passenger, § 87(2)(b) were having an argument. § 87(2)(b) told the officers to wait a minute and that he was not done yet. PO Ramunno again instructed them to move, but § 87(2)(b) again said he was not done. § 87(2)(b) looked scared and as though she did not know what to do. PO Ramunno asked § 87(2)(b) if she was okay, and she said yes, but she nevertheless appeared upset. PO Ramunno stated, "Ma'am, you need to move now, because cars are trying to pass you." When § 87(2)(b) went to turn on the vehicle, § 87(2)(b) grabbed her hands and removed them from the ignition.

The officers exited the police van and told § 87(2)(b) to exit the vehicle because he had become physically aggressive with § 87(2)(b) was not compliant. § 87(2)(b) was not under arrest at this point, but the officers wanted to question him about what was happening between him and § 87(2)(b).

PO Ramunno instructed § 87(2)(b) out of the vehicle, but § 87(2)(b) refused. At this point, individuals in the neighborhood approached the officers, but were not making any comments or physically engaging.

PO Ramunno was grabbing at § 87(2)(b)'s wrists to remove him from the vehicle. PO Ramunno and § 87(2)(b) struggled back and forth and eventually fell to the ground. As they fell, § 87(2)(b)'s elbow hit PO Ramunno in the throat. PO Brito stated that PO Ramunno could not breathe and looked as though he was having a heart attack. PO Brito later learned that § 87(2)(b)'s elbow hitting PO Ramunno in the throat was an accident and incidental to them falling to the ground.

PO Brito stated that a 10-85 was called and that everything happened so fast. She described the situation as "chaos." Family members of § 87(2)(b) including his mother, § 87(2)(b) were running up to the location and screaming phrases such as, "That's my cousin" and "That's my son." While waiting for back-up, PO Brito pulled out her baton, held it across her chest as a barricade, and instructed the crowd to get out of the street. The crowd was not compliant and individuals kept trying to cross the street. PO Brito could not see exactly what was

happening with § 87(2)(b) Sgt. Garay, and PO Ramunno, because she was handling the crowd.

PO Brito did not strike anyone or make any contact with any civilians with her baton. PO Brito did not tell § 87(2)(b) to “get the fuck back,” nor did she use any profanity when instructing the crowd. PO Brito did not use pepper spray at any point during this incident and did not see any officer discharge pepper spray. PO Brito did not detect the remnants of pepper spray in the air.

PO Brito recognized the photo of § 87(2)(b) taken at the CCRB on the date of his interview, and stated that she had to tell him several times not to walk across the street and interfere with the officers that were trying to apprehend § 87(2)(b). § 87(2)(b) did not obey PO Brito’s commands and insisted on crossing the street to his house. Consequently, § 87(2)(b) was apprehended by unidentified officers that responded to the 10-85 call.

§ 87(2)(b) approached PO Brito, got in her face, and stated, “That’s my cousin” (referring to § 87(2)(b) and tried to get past PO Brito. PO Brito instructed him to get back and had to extend her hand to push him back because he was standing too close. Responding officers eventually aided in restraining § 87(2)(b). No force was used to effect the arrest of § 87(2)(b). PO Brito stated that § 87(2)(b) was not punched by any officers and § 87(2)(b) did not throw any punches at any officers.

PO Brito recognized § 87(2)(b) from his arrest photo and stated that he did not do anything other than refuse to disperse. PO Brito stated that § 87(2)(b) “was out of it” and refused to move.

PO Brito reiterated the fact that there were so many people at the location and she told the crowd to move numerous times. Anyone that did not comply with her orders was eventually taken into custody for § 87(2)(b).

PO Brito did not draw her gun at any point during this incident and she did not see any other officer with their gun drawn.

PO Brito drove the police van back to the stationhouse with one of the prisoners seated all the way in the rear, but she does not recall which prisoner. Sgt. Garay was in the passenger seat and another unidentified officer sat in the back seat. PO Brito did not say to any of the prisoners, “You want to hit cops? Shut the fuck up,” nor did she say, “Shut the fuck up.” PO Brito did not use any profanity at § 87(2)(b) in the van while transporting the prisoner, or at the 44th Precinct stationhouse.

At the 44th Precinct stationhouse, PO Brito and other unidentified officers processed the arrests of § 87(2)(b) and § 87(2)(b). PO Brito did not observe any physical injuries to the arrestees and they did not complain of any injuries or being struck or hit by police officers. After the arrest processing, all four arrestees were placed in a holding cell together. PO Brito did not see § 87(2)(b) and § 87(2)(b) separated from the other prisoners and taken to a private holding cell by other officers. None of § 87(2)(b)’s clothing was torn during the arrest processing and § 87(2)(b) did not complain about his clothing being torn. PO Brito did not see an officer throw § 87(2)(b)’s cell phone against a wall and § 87(2)(b) did not complain about his property being damaged. PO Brito did not witness any damage to § 87(2)(b)’s cell phone.

§ 87(2)(b)’s handcuffs were not tightened at the stationhouse and he never complained about his handcuffs being too tight, nor did § 87(2)(b) complain about his handcuffs being too tight.

The prisoners’ property was released to § 87(2)(b) because they did not want their property vouchered. § 87(2)(b) signed PO Brito’s memo book. PO Brito did not tell § 87(2)(b) that she needed to leave because she was a “menace,” nor did she hear any other officer say so. PO Brito did not see § 87(2)(b) at the stationhouse.

PO Brito stated that she wrote out a double parking summons for § 87(2)(b) at the stationhouse, but could not account for how she issued it to § 87(2)(b). PO Brito did not ask for § 87(2)(b)'s identification while at § 87(2)(b).

PO Ramunno was the only officer injured during this incident. He was transported from the incident location to § 87(2)(b). PO Brito could not recall what his exact injuries were or if there was any paperwork completed for his injuries.

Subject Officer: OFFICER STEVEN RAMUNNO

- PO Ramunno is a § 87(2)(b)-old white male with brown eyes and a bald head. He is 5'9" tall and weighs 280 pounds.
- On June 2, 2011, PO Ramunno worked from 6:00 p.m. until 2:00 a.m. He was assigned as the Field Training Officer in the 44th Precinct. PO Ramunno was working with Sgt. Maritza Garay and PO Maria Brito. He was dressed in uniform and assigned to marked police van, # 5812.

Memo Book

At 8:50 p.m., Injured. 10-85 (need additional unit) at § 87(2)(b) and § 87(2)(b). Taken to § 87(2)(b) (Encl. 26A-26B).

Line of Duty Report

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

CCRB Statement

On January 3, 2012, PO Ramunno was interviewed at the CCRB (Encl. 28A-28C). § 87(2)(g)

On June 2, 2011 at approximately 9:00 p.m., PO Ramunno, PO Brito, and Sgt. Garay were on routine patrol when they turned onto § 87(2)(b) in the Bronx. PO Ramunno, who was driving the marked police van, pulled up next to a vehicle that was double parked in front of § 87(2)(b). His intention was to tell the occupants, § 87(2)(b) (the driver) and § 87(2)(b) (the passenger) to move the vehicle.

PO Ramunno asked § 87(2)(b) to produce her valid driver's license. § 87(2)(b) became combative with PO Ramunno, cursing at the officers for bothering him and told them to "go find a drug dealer." PO Ramunno saw that § 87(2)(b) was crying, so he, PO Brito, and Sgt. Garay exited the vehicle to investigate whether or not there was a domestic incident. PO Ramunno approached the passenger side, and PO Brito and Sgt. Garay approached the driver's side intending to remove § 87(2)(b) from the vehicle to see if she had been assaulted.

§ 87(2)(b) became increasingly aggressive and combative. § 87(2)(b) jumped toward the driver's side of the car, grabbed the steering wheel, tried to put the vehicle into drive, and yelled at § 87(2)(b) to drive off. § 87(2)(b) yelled back at § 87(2)(b) to get off of the steering wheel. At this point, PO Ramunno got the impression that § 87(2)(b) was fearful of § 87(2)(b).

PO Ramunno gave § 87(2)(b) several verbal commands to get his hands off of the steering wheel and off of § 87(2)(b). PO Brito and Sgt. Garay echoed his commands. § 87(2)(b) refused. PO Ramunno feared that § 87(2)(b) would get the vehicle into drive and possibly hit the officers or another civilian with the car. Because § 87(2)(b) refused a lawful order, he was deemed at this point to be under arrest.

PO Ramunno entered the vehicle from the passenger side to remove § 87(2)(b) from the vehicle. PO Ramunno grabbed § 87(2)(b)'s hands and also around his waist and tried to pull him from the vehicle. PO Ramunno was situated behind § 87(2)(b) § 87(2)(b) "locked" and "tensed" his body and squeezed harder on the steering wheel. PO Ramunno did not recall punching § 87(2)(b) in the face while trying to remove him from the car.

PO Ramunno called a 10-13 (assist police officer) because a crowd had started to gather around the vehicle. The crowd was comprised of approximately 25-30 people, some of whom were within arm's length of the incident. The crowd was screaming and yelling (unspecified). Other than closing in on the officers, the crowd was not doing anything to hinder the arrest of § 87(2)(b) but PO Ramunno did fear for his safety at that point. PO Ramunno did not know if § 87(2)(b) or any other civilians were doing anything to incite the crowd.

PO Ramunno managed to get § 87(2)(b) out of the vehicle and was "wrestling" with him while trying to get him handcuffed. PO Ramunno did not recall punching § 87(2)(b) at any point during this incident. Responding officers aided PO Ramunno in trying to bring § 87(2)(b) who was still resisting, to the ground. While attempting to handcuff § 87(2)(b) PO Ramunno and § 87(2)(b) fell to the ground. PO Ramunno landed on top of § 87(2)(b) with § 87(2)(b)'s elbow striking PO Ramunno in the throat. This action knocked PO Ramunno unconscious for a brief time. PO Ramunno stated that § 87(2)(b)'s elbow hitting his throat was incidental to the fall and not an intentional strike. The next thing PO Ramunno remembered was waking up in a patrol car and being rushed to § 87(2)(b)

Prior to being knocked unconscious, PO Ramunno did not attempt to use pepper-spray against § 87(2)(b) and he did not see PO Brito or Sgt. Garay do so. PO Ramunno did not draw his gun and did not see PO Brito or Sgt. Garay do so. He did not see PO Brito draw her asp. PO Ramunno did not see any other officers at the location punch § 87(2)(b) PO Ramunno did not use any profanity towards § 87(2)(b) PO Ramunno could not identify any of the additional officers at the location.

PO Ramunno did not recall seeing or interacting with § 87(2)(b)

§ 87(2)(b) or § 87(2)(b) on the date of incident.

After being knocked unconscious, PO Ramunno had no further interaction with § 87(2)(b) § 87(2)(b) He did not interact with any of the arrestees any further, either at § 87(2)(b) or at the 44th Precinct stationhouse. No officer communicated anything to PO Ramunno regarding the arrestees.

§ 87(2)(b)

Subject Officer: INSPECTOR DERMOT SHEA

- *Ins. Shea is a § 87(2)(b)-old white male with brown hair and green eyes. He is 6'3" tall and weighs 210 pounds.*
- *On June 2, 2011, Ins. Shea was on duty as the Commanding Officer of the 44th Precinct. He does not recall what his exact tour was, who is operator was, or if he was dressed in uniform or plainclothes. Ins. Shea was in an unmarked black Chevrolet Impala. Ins. Shea was not assigned a steady operator.*

Memo Book

Ins. Shea is not required to keep a memo book. He did not complete any reports or sign off on any paperwork regarding this incident.

CCRB Statement

On August 29, 2012, Ins. Shea was interviewed at the CCRB (Encl. 33A-33C). His testimony is summarized below.

On the date and time of incident, Ins. Shea responded to a call for officer assistance. When he arrived at the incident location, Ins. Shea exited his vehicle and approached the scene. He observed a large crowd of both officers and civilians. Ins. Shea could not put a numerical value on the size of the crowd, but stated it was a “significant” crowd that was “agitated” and was cause for fear for officer safety.

Ins. Shea saw a group of 3 to 5 unidentified uniformed officers struggling with an individual, identified by the CCRB as § 87(2)(b) who was standing against a vehicle. Ins. Shea was shown a photograph of § 87(2)(b) but he did not recognize him. Ins. Shea recognized PO Ip, Sgt. Garay, and PO Ramunno by name, but did not recall if they were at the incident location or what actions they may have taken.

The officers were attempting to handcuff § 87(2)(b) but he was fighting with the officers, violently flailing his arms, and screaming at them. Ins. Shea described the force used by the officers to overcome § 87(2)(b)'s resistance as trying to pull his arms behind his back. Ins. Shea did not recall seeing any officer punch or otherwise strike § 87(2)(b).

Ins. Shea did not recall seeing any officers discharge pepper-spray at the location and could not sense that pepper-spray had been discharged in the area.

Ins. Shea, to his recollection, did not get involved with the officer trying to restrain § 87(2)(b) and stated he would not have been able to. Ins. Shea clarified that with the number of officers around § 87(2)(b) he would not have been able to get to his hands. Ins. Shea was standing across the street from § 87(2)(b) and the officers and did not recall if his view was obstructed. Ins. Shea did not punch or strike § 87(2)(b).

The crowd was interfering with the officers and Ins. Shea and other officers kept the crowd at bay by physically pushing them back and ordering them to get back. Ins. Shea did not recall hearing any officers say, “Get the fuck back” or use any other profanity towards the crowd. Ins. Shea did not recall seeing any officers with their asps drawn or their guns drawn.

Ins. Shea was aware that there were a number of arrests that stemmed from this incident, but he did not recall witnessing the arrests. Ins. Shea did not witness any officer punch or strike any civilians at the location and did not hear any officers use any profanity toward any civilians. Ins. Shea did not recognize photos of § 87(2)(b) or § 87(2)(b) however, Ins. Shea recognized § 87(2)(b)'s name because of his involvement in gang activity in the area, specifically slashings. Ins. Shea did not engage with § 87(2)(b) on the date of the incident.

Ins. Shea stated he was at the location for less than a minute and thought it prudent for the officers to leave the location as soon as possible before civilians began throwing bottles. Ins. Shea did not have any interaction with the arrestees at the stationhouse and no officer communicated anything further to him about the incident.

Subject Officers: OFFICER TYRELL WARBURTON AND OFFICER TONY IP

- *PO Warburton is a § 87(2)(b)-old black male with black hair and brown eyes. He is 5’7” tall and weighs 175 pounds.*
- *PO Ip is a § 87(2)(b)-old Asian male with black hair and brown eyes. He is 5’11” tall and weighs 170 pounds.*
- *On June 2, 2011, PO Warburton worked from 2:00 p.m. to 10:35 p.m. He was dressed in uniform and assigned to an Impact foot-post 36/37 with PO Tony Ip. On June 2, 2011, PO Ip worked from 2:00 p.m. to 10:35p.m. He was dressed in uniform and assigned to Impact foot-*

post 28/29 in the 44th Precinct with PO Maria Brito until she got picked up by a training officer. PO Tyrell Warburton then replaced PO Brito.

Memo Books

At 9:00 p.m., PO Warburton responded to a 10-85 (need additional unit) at § 87(2)(b) and § 87(2)(b) (Encl. 31A-31B). PO Ip did not have any entries in his memo book with regard to this incident (Encl. 29A-29C).

CCRB Statements

On March 28, 2012, PO Warburton was interviewed at the CCRB (Encl. 32A-32B) and on February 14, 2012, PO Ip was interviewed at the CCRB (Encl. 30A-30C).

Both PO Warburton and PO Ip testified that they responded to a 10-85 call at the incident location.

PO Ip testified that PO Warburton physically engaged with § 87(2)(b) at § 87(2)(b) whereas PO Warburton stated he only conducted crowd control and did not interact with § 87(2)(b).

Both PO Ip and PO Warburton were otherwise consistent with their testimony regarding the actions of the other officers at the location and the allegations made by the civilians.

Witness Officer: SERGEANT MARITZA GARAY

- *Sgt. Garay is a § 87(2)(b)-old Hispanic female with black hair and black eyes. She is 5'4" tall and weighs 180 pounds.*
- *On June 2, 2011, Sgt. Garay worked from 1:48 p.m. to 10:45 p.m. She was dressed in uniform and assigned as the Impact Supervisor with PO Steven Ramunno and PO Maria Brito. The officers were assigned to a marked van, # 5487.*

Memo Book

Sgt. Garay lost her memo book in the line of duty on July 7, 2011. She completed complaint report number § 87(2)(b) in regards. The complaint report was presented to Sgt. Garay at the time of her CCRB interview and she confirmed (Encl. 34A-34B).

CCRB Statement

On March 13, 2012, Sgt. Garay was interviewed at the CCRB (Encl. 35A-35C). § 87(2)(g)

Sgt. Garay testified that she witnessed § 87(2)(b) punch PO Ramunno in the neck. Sgt. Garay further testified that she was removed from the struggle with § 87(2)(b) by Ins. Dermot Shea who aided in the detainment of § 87(2)(b). Sgt. Garay did not punch § 87(2)(b) in the face at any point, nor did Insp. Shea or any other officer. Sgt. Garay did not see how § 87(2)(b) was ultimately restrained and handcuffed because she had turned her attention to PO Ramunno. She did not see how many officers assisted in handcuffing § 87(2)(b) and does not recall how long it took.

Medical Records

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b)

The radiology report shows no fracture or dislocation to either § 87(2)(b)'s left or right wrists and that the joint spaces are maintained. The radiology report for § 87(2)(b)'s left shoulder shows no fracture or dislocation and that the joint spaces are maintained.

On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) for a follow up visit. The records indicate that § 87(2)(b) was taking Naproxen once per day, but the medication had no effect in alleviating the condition. § 87(2)(b) was diagnosed with median nerve pathology which can occur after prolonged handcuffing. He was issued elastic bandages and supports for each wrist to be worn while typing and at night (Encl. 36A-36AG).

§ 87(2)(b)

§ 87(2)(g)

The CCRB attempted to obtain § 87(2)(b)'s medical records from § 87(2)(b), but the results were negative (Encl. 47K-47N).

NYPD Documents

SPRINT Report

SPRINT report number X15056 indicates that at 9:00 p.m. a rush-ambulance call was made for an injured member of service having difficulty breathing at § 87(2)(b) and § 87(2)(b) in the Bronx. At 9:05 p.m., the Training Unit called a 10-85 (need additional units) for a large fight. At 9:07 p.m., EMS arrived at the location and transported a member of service to Bronx Lebanon Hospital. At 9:10 p.m., the 44th Precinct Training Unit had one under arrest (Encl. 37A-37E).

The investigation was not able to obtain the SPRINT recording because the SPRINT report for this incident was not located until six months past the incident date.

Command log

According to the command log for the 44th Precinct on June 2, 2011, § 87(2)(b) and § 87(2)(b) were logged into the stationhouse at 9:30 p.m. by PO Brito. Their physical and mental condition was listed as appearing normal. The log indicates that at 8:50 a.m. on June 3, 2011, the arrestees were transported to Bronx Central Booking in police vehicle # 5630 (Encl. 39A-39R).

Prisoner Holding Pen Roster

The prisoner holding pen roster from the 44th Precinct stationhouse indicates that § 87(2)(b) and § 87(2)(b) were placed in the holding cells at 9:30 p.m. and that the cells were periodically inspected every half hour by PO Brito until their release (Encl. 40A).

Medical Treatment of Prisoner Report

There were no medical treatment of prisoner reports filled out for this incident.

Other Evidence

Video Footage

On August 25, 2011, the investigation obtained video footage of this incident from § 87(2)(b) who is the cousin of the owner of § 87(2)(b). § 87(2)(b) took the video of the incident on his cell phone from the surveillance monitoring screen.

The footage is unclear, but indicates that there was a lot of commotion outside of the deli and § 87(2)(b) between officers, mostly uniformed, and civilians. However, no officers or civilians can be positively identified from the video footage. One individual can be seen struggling with officers and then handcuffed on the ground, but it is unclear which of the arrestees it is.

§ 87(2)(b) was unable to provide the CCRB with the actual video footage from the store surveillance cameras.

Summons/Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of August 31, 2012, which is 11 months past the 90 day filing period, with regard to the incident (Encl. 46A-46I).
- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming assault, battery, false arrest and imprisonment, emotional distress, physical pain/injury, illegal search and seizure, violation of civil rights, negligent hiring and supervision of officers, legal fees and expenses, loss of liberty, and loss of dignity and reputation and seeking an unspecified amount of money as redress (Encl. 46A-46I).

Civilians Criminal History

- § 87(2)(g) [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilians CCRB History

- This is the first CCRB complaint filed by either § 87(2)(b) [REDACTED] or § 87(2)(b) [REDACTED] (Encl. 3A-3D).

Subject Officers CCRB History

- PO Brito has been a member of the service for two years and there are no substantiated CCRB allegations against her (Encl. 2A).
- PO Ramunno has been a member of the service for nine years and there are no substantiated CCRB allegations against him (Encl. 2B-2D).
- PO Ip has been a member of the service for two years and there are no substantiated CCRB allegations against him (Encl. 2E).
- PO Warburton has been a member of service for two years and there are no substantiated CCRB allegations against him (Encl. 2F).
- Ins. Shea has been a member of the service for 21 years and there are three substantiated CCRB allegations against him (Encl. 2G):
 - In CCRB case number 200306684, the Board substantiated three allegations of abuse of authority for which charges were recommended. The NYPD imposed instructions.

Conclusion

Identification of Subject Officers

- PO Brito acknowledged interacting with § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED]. She further acknowledges conducting crowd control and drawing her baton at the location, which fits the circumstances under which she allegedly cursed at § 87(2)(b) [REDACTED].
- PO Ramunno acknowledged interacting with § 87(2)(b) [REDACTED].
- Ins. Shea fits the general description provided by § 87(2)(b) [REDACTED] as the officer that first punched him in the face. Furthermore, testimony from Sgt. Garay confirms that Ins. Shea engaged physically with § 87(2)(b) [REDACTED].
- Testimony by PO Ip indicates that PO Warburton physically engaged with § 87(2)(b) [REDACTED].
- PO Ip acknowledged being at the incident location.

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation A: Force – Officer Steven Ramunno used physical force against

§ 87(2)(b)

Allegation B: Force – Inspector Dermot Shea used physical force against

§ 87(2)(b)

Allegation C: Force – Officer Tyrell Warburton used physical force against

§ 87(2)(b)

§ 87(2)(b) alleged that he was punched in the face twice by two different officers, identified by the CCRB as PO Warburton and Ins. Shea. § 87(2)(b) further alleged that PO Ramunno punched § 87(2)(b) once in the face. PO Ramunno, PO Warburton, and Ins. Shea denied punching § 87(2)(b) and no other officer saw them do so.

It is undisputed that some measure of force was used against § 87(2)(b) by officers.

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both testified to the fact that § 87(2)(b) resisted arrest by physically refusing to be handcuffed, for which he was ultimately charged. As such, the CCRB determined that § 87(2)(b) did resist arrest and that some measure of force was used to overcome his resistance, as is indicated on the OLBS. § 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation D: Discourtesy – Officer Maria Brito spoke rudely to

§ 87(2)(b) and **§ 87(2)(b)** at **§ 87(2)(b)**

§ 87(2)(b) alleged that PO Brito told her to “back the fuck up.” § 87(2)(b) and § 87(2)(b) further alleged when they were put into a police van, PO Brito told them to “shut the fuck up.” PO Brito denied saying the aforementioned phrases and no other officer heard her do so.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(g)

Allegation E: Force – Officers drew their guns at § 87(2)(b)

§ 87(2)(b) alleged that approximately four uniformed officers at the location had their guns drawn during the incident. No other civilian or officer testimony corroborates this allegation.

An officer can draw his firearm so long as he has a reasonable fear for his own or another's personal safety. Police Department v. Gliner, OATH Index No. 955/00 (2000) (Encl. 1A-1S).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation F: Force – An officer used physical force against § 87(2)(b) at § 87(2)(b)

§ 87(2)(b) testified that while § 87(2)(b) was being apprehended, he started “flipping out” and approached PO Ramunno who was attempting to arrest § 87(2)(b). § 87(2)(b) further testified that when officers approached him and attempted to take him into custody, he resisted and would not allow himself to be handcuffed. § 87(2)(b) alleged that while the officers were trying to restrain him, an officer punched him in the face. No officer interviewed by the CCRB witnessed this occur.

According to Patrol Guide Procedure 203-11, only the amount of force necessary to overcome resistance will be used to effect an arrest (Encl. 1T-1U).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation G: Force – Officers used physical force against § 87(2)(b) and § 87(2)(b) at the 44th Precinct stationhouse.

§ 87(2)(b) alleged that when he was brought to the 44th Precinct stationhouse, four unidentified plainclothes officers, who were also present at § 87(2)(b) brought him and § 87(2)(b) to a private holding cell and proceeded to “push” and “slam” them against the walls. § 87(2)(b) made no such allegation and no civilians or officers witnessed this incident.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation H: Discourtesy – An officer spoke rudely to § 87(2)(b) at § 87(2)(b)

Allegation I: Force – An officer tightened § 87(2)(b)'s handcuffs at the 44th Precinct stationhouse.

Allegation J: Abuse of Authority – An officer damaged § 87(2)(b)'s property at the 44th Precinct stationhouse.

§ 87(2)(b) alleged that an unidentified officer told him to “shut the fuck up” as he was being arrested at § 87(2)(b). No other civilian or officer testimony corroborates this allegation. § 87(2)(b) alleged that when he brought to the 44th Precinct stationhouse, and unidentified officer tightened his handcuffs and then later “tossed” his cell phone against the wall, causing the screen to shatter. No other civilian or officer testimony corroborates these allegations.

§ 87(2)(b) did not provide any identifying information for the officer that allegedly cursed at him. § 87(2)(g)

§ 87(2)(b) did not provide any identifying information for the officer that allegedly tightened his handcuffs and threw his cell phone against the wall. § 87(2)(b) was shown photographs of six officers that were present for this incident, but was only able to identify two of them.

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date